

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD HANNABLE MCDUFF,

Plaintiff,

Case No. 1:22-cv-20

v.

PATRICIA WILLARD, et al.,

HON. JANET T. NEFF

Defendants.

ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants Lori Blue, Mary Schultz, and Michelle Peconge filed a Motion to Dismiss (ECF No. 76). Defendant Subrina Aiken filed a Motion for Summary Judgment (ECF No. 88). The matter was referred to the Magistrate Judge, who issued two Report and Recommendations on December 20, 2023. The Magistrate Judge recommends that Defendants' Motion to Dismiss be dismissed as moot in part, granted in part, and denied in part (ECF No. 119). The Magistrate Judge also recommends that Defendant Aiken's Motion for Summary Judgment be granted (ECF No. 120). The Report and Recommendations were duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendations (ECF Nos. 119 and 120) are APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendant Aiken's Motion for Summary Judgment (ECF No. 88) is GRANTED and the claims against Defendant Aiken are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (ECF No. 76) is DISMISSED AS MOOT IN PART, GRANTED IN PART, and DENIED IN PART. Specifically:

- (1) as to Plaintiff's claims against Defendant Blue, Defendant's motion is dismissed as moot;
- (2) as to Plaintiff's claims against Defendants Schultz and Peconge in their personal capacities, Defendants' motion is denied; and
- (3) Plaintiff's claims against Defendants Schultz and Peconge in their official capacities are dismissed as moot.

Dated: January 24, 2024

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge